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November 4, 2020

Peter Lopez, Regional Administrator
United States Environmental Protection Agency
Region 2
290 Broadway
New York, N.Y. 10007-1866

Dear Administrator Lopez,

I write today on behalf of numerous clients that are owners and interested parties¹ respecting property along RTA 1 and 2 of the Gowanus Canal to seek clarification on EPA's stance on certain fundamental issues concerning the pending Gowanus Areawide Rezoning.

Some opponents of the rezoning have made statements that purport to represent EPA's position that seem inconsistent with my clients' understanding of EPA's views/policies. The following questions are intended to ascertain the agency's actual policies/perspective:

1. Does EPA oppose development on land adjacent to the Gowanus Canal NPL Site?
2. Does EPA agree that redevelopment that adheres to all Federal, State and local requirements, including remediating the upland properties to eliminate or contain contaminated source material² and separating storm water from discharges to the combined sewer system and treating it prior to discharge to the Canal, is consistent with the long term remedy for the Canal?
3. Does EPA agree that the land adjacent to the Canal can be remediated sufficiently to render it suitable for residential development?
4. Does EPA intend to continue to require New York City to design and build new sanitary and stormwater infrastructure that will, in light of the reasonably foreseeable development, avoid the recontamination of the Canal with sanitary waste and sediment?

¹ A list of such parties can be provided upon your request.

² This can be undertaken under the New York State Department of Environmental Conservation's or New York City Office of Environmental Remediation's oversight.

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5. Will EPA require New York City to remove from the remediated portions of the Canal any accumulated contaminated CSO solids?
6. Does EPA agree that the economic benefits of redevelopment provide revenue sources for the required remedial and infrastructure work under the ROD as well as on the private parcels?

Thank you in advance for clarifying EPA's stance on the issues discussed above.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Yudelson', with a stylized flourish at the end.

David Yudelson